

**JOINT BOARD MEETING
MARRIAGE AND FAMILY THERAPY,
PROFESSIONAL COUNSELING AND SOCIAL WORK EXAMINING BOARD
MINUTES
May 3, 2005**

PRESENT: LaMarr Franklin, Evelyn Pumphrey, Susan Putra (arrived at 8:36 am), Leslie Mirkin, Linda Schwallie, Ann Marie Starr, George Kamps, Mary Jo Walsh, Eric Alvin (arrived at 8:35 am), Bruce Kuehl, Abe Rabinowitz, and Ada Williams-Parr

EXCUSED: None

STAFF PRESENT: Jeff Scanlan, Director of Health Service Professions; Jacquelynn Rothstein, Legal Counsel; Gina York, Bureau Assistant, Division of Enforcement staff and others during portions of the meeting

GUESTS: Joseph D'Costa, DWD/DVR; Marc Herstand, NASW

CALL TO ORDER

Linda Schwallie called the meeting to order at 8:34 a.m. There was a quorum of twelve members. Chair Schwallie welcomed Jeff Scanlan, Director of Health Service Professions, to his first Joint Board meeting.

APPROVAL OF AGENDA

Additions to the Agenda:

- Open Session: After Administrative Report – Add Preparation of the Joint Board Regulatory Digest
- Open Session: After Status of Rules and Statutes – Add Review of LRB 2627
- Open Session: Under Other Board Business – Add Discussion of Annual Party

MOTION: Ada Williams-Parr moved, seconded by LaMarr Franklin, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 1, 2005**Amendments to the Minutes:**

None.

MOTION: George Kamps moved, seconded by Bruce Kuehl, to approve the February 1, 2005 minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Jeff Scanlan, Director of Health Service Professions, informed the Board that a new Secretary has been appointed to the Department. Her name is Celia Jackson and she started on April 26, 2005. He also shared that the building renovations are continuing with a target date of September 1, 2005 for completion and Chris Klein would be coming in to discuss rule making and the role of Small Business Review Advisory Committee. There will be some new rules in effect on June 1, 2005, these are RL 4.07, 4.08 and 4.09 regarding criminal background checks. Mr. Scanlan reported on the status of the DRL budget and proposals by the Governor's Office. He shared with the Board that there have been additional proposed cuts for the DRL. It has been proposed that 11.85 FTE positions will be eliminated and one LTE position. There has also been a proposal to do an attorney consolidation, which would affect 28 FTE positions at DRL. Those positions and staff would physically be moved to another department. If this consolidation occurs DRL would then be purchasing legal services from that department which would determine who would be available. At this time, this will not affect the investigative staff and they will remain at the Department. Currently, the budget is being reviewed by the Joint Finance Committee. The Board expressed concerns regarding such a consolidation and felt that it is extremely important that legal staff is familiar with their rules and their interpretation. There was a major concern that this would cause regarding lack of consistency and protection of the public. After some additional discussion, the following action was taken.

MOTION: Susan Putra moved, seconded by Mary Jo Walsh, that the MPSW Joint Board prepare a letter to the Joint Finance Committee opposing the attorney consolidation. Motion carried unanimously.

**SMALL BUSINESS REVIEW ADVISORY COMMITTEE
BY CHRIS KLEIN**

Chris Klein, Legislative Liaison, presented information regarding a change in the rules process due to the passing of Act 145 in the last legislative session, which now requires all rules to have a small business review. Mr. Klein explained to the Board the role of the two separate bodies that will be reviewing rules for small businesses; the DRL Small Business Review Advisory Committee and the separate Small Business Regulatory Review Board. Each of their roles will be to review all rules that may affect small business with less than twenty-five employees and have an income of less than five million dollars a year. These bodies will determine if it will have a significant impact on small business and then make recommendations to the Board for their review and adoption. The types of things that may be considered during such a review

might be 1) whether it would have a huge financial impact, 2) would it cause licensing restrictions, or 3) if it would cause burdensome hoops to get renewed licenses, etc. to name a few. Each Board will determine when they wish to have the Small Business Review Advisory Committee review done. The Department's Committee plans to do reviews on a quarterly basis to keep abreast of all pending rules and ensure timely impact determinations are made.

PREPARATION OF THE JOINT BOARD REGULATORY DIGEST

Jeff Scanlan, Director of Health Service Professions, reviewed and discussed a rough draft of the MPSW Joint Board Regulatory Digest. This publication will be posted on the DRL website for the Board's licensed professionals to have access to information relating to their chosen field of practice. This publication will not be mailed out and will only be available on the website. At this time, the plan is to publish the digest two times per year. The next Joint Board meeting will be August 2, 2005. Some of the articles identified were as follows:

457 Letters-George Kamps
Summary on AODA Rules – George Kamps
Training Certificates – Susan Putra
Codebooks – Jeff Scanlan

Any board member can submit articles for the regulatory digest. Articles should be sent to Jeff Scanlan by June 21, 2005 to be included in this upcoming issue. The Board will review the finalized document and approve it for publication at its August meeting.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Jacquelynn Rothstein, Legal Counsel, reviewed the summary reports with the full Board at today's meeting. The Board received copies of rules and legislation reports for their review.

STATUS OF RULES AND STATUTES

The MPSW Joint Board reviewed the draft rule and proposed language regarding recordkeeping with Jacquelynn Rothstein, Legal Counsel, at today's meeting.

REVIEW OF LRB-2627

Jacquelynn Rothstein, Legal Counsel, reviewed the draft rule LRB-2627 and the MPSW Joint Board shared with her specific revision to be made to this language. They referred Attorney Rothstein to the motion made in the MFT Section's former minutes, which would clarify lines eight through eleven in LRB-2627.

MOTION: Bruce Kuehl moved, seconded by Susan Putra, to approve LRB-2627 as amended at the May 3, 2005 meeting. Motion carried unanimously.

MOTION: Susan Putra moved, seconded by Ann Marie Starr, to grant authority to Linda Schwallie to amend as necessary and to approve moving forward in the rulemaking process Statute LRB-2627 on behalf of the MPSW Joint Board. Motion carried unanimously.

REVIEW DRAFT PROPOSED LANGUAGE REGARDING RECORDKEEPING BY MARRIAGE AND FAMILY THERAPISTS, PROFESSIONAL COUNSELORS, AND SOCIAL WORKERS, MPSW 20.02 (18)

Jeff Scanlan, Director of Health Service Professions, shared with the MPSW Joint Board that the SBRAC had reviewed the recordkeeping rule MPSW 20.02 (18) last week and a question was raised by the Committee regarding why the number of years was set at five years for record retention. In addition, the Committee noted that it does not indicate who the record custodian should be and in what format these records should be kept (i.e. microfiche, electronically, etc.) Jacquelynn Rothstein, Legal Counsel, asked if there are any amendments or exceptions the MPSW Joint Board would like to make at this time. The Board had a lengthy discussion and referred to the federal laws on this issue, received input from Joseph D'Costa, DWD/DVR, regarding an exception for governmental agencies and malpractice liability, consulted with Legal Counsel who referred them to 457.24 and the Rehabilitation Act. Upon the conclusion of this discussion, the Board identified specific revisions to be made to MPSW 20.02 (18) to Attorney Rothstein and took the following action.

MOTION: George Kamps moved, seconded by Mary Jo Walsh, to approve the text for the MPSW 20.02 (18) as amended at the May 3, 2005 Joint Board meeting. Motion carried unanimously.

DISCUSSION AND REVIEW OF PSYCHOMETRIC TESTING APPLICATION MATERIALS

The Board reviewed and discussed the psychometric testing application materials with Jacquelynn Rothstein, Legal Counsel and wanted to know where these materials/forms came from and noted it was found on the DRL Website. MPSW Board members shared with legal counsel information on the background surrounding psychometric testing moving from certification to licensure. The Joint Board had consulted with the Psychology Board and made recommendations while working on this issue and dealing with the impact of Act 80; but recommendations were rejected. Marc Herstand, NASW recommended to consider creating a multidisciplinary task force address psychometric testing and to discuss options, assessment tools, diagnostic tools, how to handle if there is not a psychologist at place of employment. Would the employer have to hire someone for these services? After a lengthy discussion, the Board shared concerns and that this is a practice issue and requested Jeff Scanlan, Director of Health Services Professions, to collect information from the Psychometric Testing Task Force meetings and bring to the next MPSW Joint Board meeting scheduled for August 2005.

INFORMATIONAL ITEMS

Noted.

REPORT OF MARRIAGE AND FAMILY THERAPISTS SECTION

Ann Marie Starr reported that the MFT Section would meet later today.

REPORT OF PROFESSIONAL COUNSELORS SECTION

Susan Putra reported that the two Tiers system for PC's is planned for implementation in 2007. The Section spoke with Barbara Showers and recommended to the Department that individuals taking the NMHE or the NCE be allowed to apply directly, on their own, without waiting for the Department. There has been a significant number of requests for approvals of supervisors and as a result, approximately 90% of the LCSW's were approved by the PC Section as a collegial effort and in recognition of their expertise. Applications are also linked to the training certificates and this approval allowed them to obtain required hours.

REPORT OF SOCIAL WORKERS SECTION

George Kamps reported to the Board that he encourages all Joint Board members to utilize the new Secretary's open door policy. The Social Work Section will be reviewing their goals and objectives for the upcoming year at their next meeting. George Kamps provided condolences to LaMarr Franklin on behalf of the Board regarding the loss of his mother.

REVIEW OF INQUIRIES RECEIVED BY LEGAL COUNSEL

There were no inquiries presented by Jacquelynn Rothstein, Legal Counsel, for the Board's review or consider at today's meeting.

VISITOR'S COMMENTS

Marc Herstand, NASW, shared that the NASW Conference will be held May 18 - 20, 2005 and has received full approval for both MFT's and PC's to attend this conference. Mr. Herstand asked for clarification from Jacquelynn Rothstein, Legal Counsel, regarding the status of the AODA Specialist. Christopher Klein, Legislative Liaison, indicated no information was available. This is an agency-to-agency issue and Attorney Rothstein recommended he keep in contact with the Secretary's office for updates regarding this issue.

OTHER BOARD BUSINESS

THE ANNUAL MEETING OF THE BOARD

The Board discussed at today's meeting the planning of an annual party for the MPSW Joint Board. The date will be in November of 2005 and Susan Putra will find a place to hold this gathering. The cost will be \$10 per Board member for gifts given to outgoing members. Please send your gift money to George Kamps or Linda Schwallie. This annual meeting will be held after the November MPSW Joint Board meeting adjourns and will be posted at the end of that meeting agenda.

ADJOURNMENT

MOTION: LaMarr Franklin moved, seconded by Ada Williams-Parr, to adjourn the meeting at 11:54 a.m. Motion carried unanimously.

Next Meeting Will Be Held

August 2, 2005